

### **REMARKS**

Applicants thank the Examiner for the indication of allowable subject matter with respect to claims 14, 15, 30, 32-34 and 35. The present amendment is fully responsive to the Final Office Action having a mailing date of May 12, 2009. After entry of this amendment, claims 9, 11, 15, 16 and 21-35 are pending in the Application. Claim 9 has been rewritten to include the recitations of allowable claim 14 and intervening claim 13. Claims 13 and 14 have accordingly been cancelled without prejudice. Allowable claim 15 has been rewritten into independent form to include the recitations of base claim 9. Claim 34 has been rewritten to depend from allowed claim 32. No new matter has been added by this Amendment, and support for the claims, as rewritten may be found throughout the specification and drawings. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.<sup>1</sup> Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 C.F.R. § 1.104(d)(2) and MPEP § 2144.03.

Applicants respectfully requests reconsideration of the present Application in view of the above amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 9, 16 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,659,956 to Barzell et al. The rejection is deemed moot given that claim 9 has been rewritten to include the recitations of allowable claim 14 and intervening claim 13. Claims 16 and

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<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

21 depend directly from claim 9, and therefore are also in a condition for allowance. Applicants accordingly request that the instant rejection be reconsidered and withdrawn.

Claims 9, 11, 13 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0077972 to Tsonton et al. The rejection is deemed moot given that claim 9 has been rewritten to include the recitations of allowable claim 14 and intervening claim 13. Claim 13 has thus been cancelled without prejudice. Claims 11 and 16 depend directly from claim 9, and therefore are also in a condition for allowance. Applicants accordingly request that the instant rejection be reconsidered and withdrawn.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 9 and 21 – 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,871,487 to Warner et al. in view of U.S. Patent No. 7,166,114 to Moctezuma De La Barrera et al. The rejection is deemed moot given that claim 9 has been rewritten to include the recitations of allowable claim 14 and intervening claim 13. Claims 21-24 depend directly from claim 9, and therefore are also in a condition for allowance. Applicants accordingly request that the instant rejection be reconsidered and withdrawn.

Claims 25-29 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,871,487 to Warner et al. in view of U.S. Patent No. 7,166,114 to Moctezuma De La Barrera et al. as applied above, and further in view of DE 935,625 to Bodendieck et al. Claims 25-29 and 31 depend either direct or indirectly from claim 9. Claim 9 has been rewritten to include the recitations of allowable claim 14 and intervening claim 13, and therefore dependent claims 25-29 and 31 are also in a condition for allowance. Applicants accordingly request that the instant rejection be reconsidered and withdrawn.

**Allowable Subject Matter**

Claims 32-34 are allowed. Claims 14, 15, 30 and 35 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form to include the recitations of their respective base claim and any intervening claims. Claim 9 has been rewritten to include the recitations of allowable claim 14 and intervening claim 13. Claims 13 and 14 have been cancelled without prejudice. Allowable claim 15 has been rewritten into independent form to include the recitations of base claim 9. Claim 34 has been rewritten to depend from allowed claim 32. Accordingly, claims 9, 11, 15, 16 and 21-35 are in a condition for allowance.

**CONCLUSION**

All rejections have been addressed. In view of the above, the pending claims are believed to be in condition for allowance over the cited prior art. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under Order No. 65937-0047 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Respectfully submitted,

Dated: June 30, 2009

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